

IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF NEW MEXICO

NINO and MISTY ORTEGA, parents
and guardians of minor child, A.O.,

Plaintiffs,

v.

Civ. No. 04-0262 BB/RHS

ARTHUR R. BROKOP and FARMINGTON
PUBLIC SCHOOLS,

Defendants.

MEMORANDUM OPINION AND ORDER

THIS MATTER comes before the court on (1) Plaintiffs' Motion and Memorandum of Law for Clarification Regarding the Magistrate Judge's Report and Recommendation as to Entry of Pre and Post Judgment Interest on the Judgment and Interest on Attorneys' Fees and (2) Plaintiffs' Unopposed Motion to Extend the Time in Which to Object to Magistrate Judge Puglisi's Report & Recommendation.

As to the clarification motion, the district court's order of referral [Doc. 34] was only for the issue of attorney's fees. Any arguments concerning pre and post judgment interest on the judgment should be addressed to Judge Black. As to an award of interest on attorneys' fees, in this circuit any interest allowed runs from the date the amount of attorneys' fees is quantified and that amount has yet to be determined. See *Wheeler v. John Deere Co.*, 986 F.2d 413, 414 (10th Cir. 1993).

As to the motion for extension of time, Plaintiffs shall have until and including December 12, 2005 to file their objections to the Report & Recommendation.

IT IS THEREFORE ORDERED that Plaintiffs' Motion and Memorandum of Law for Clarification Regarding the Magistrate Judge's Report and Recommendation as to Entry of Pre and Post Judgment Interest on the Judgment and Interest on Attorneys' Fees [Doc. 38] is granted as stated herein; and

IT IS FURTHER ORDERED that Plaintiffs' Unopposed Motion to Extend the Time in Which to Object to Magistrate Judge Puglisi's Report & Recommendation [Doc. 39] is granted and Plaintiffs shall have until **December 12, 2005** to file their objections.

IT IS SO ORDERED.

A handwritten signature in black ink, appearing to read 'Richard L. Puglisi', is written over a horizontal line.

Richard L. Puglisi
United States Magistrate Judge